

Members

Rep. Jerry Denbo, Chairperson
Rep. John Frenz
Rep. Michael Murphy
Rep. Phil Hinkle
Sen. Luke Kenley
Sen. Teresa Lubbers
Sen. Lindel Hume
Sen. Richard Young



ADMINISTRATIVE RULES OVERSIGHT COMMITTEE

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Authority: IC 2-5-18

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MEETING MINUTES¹

Meeting Date: November 16, 2001
Meeting Time: 11:00 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Jerry Denbo, Chairperson; Rep. John Frenz; Rep. Michael Murphy; Rep. Phil Hinkle; Sen. Lindel Hume; Sen. Richard Young.

Members Absent: Sen. Luke Kenley; Sen. Teresa Lubbers.

The chairperson called the meeting to order at 11:10 a.m. The committee members first discussed expiration of rules under IC 4-22-2.5. Since 2001 was the first time the process was used, the sentiment was that this would be a good time to evaluate what happened and how that fit expectations of legislators. The concerns included: (1) public notice, and (2) how hearings could be requested while preventing hearings on rules with no significant fiscal impact.

The members felt that some notice in the Indiana Register was appropriate. The members also discussed the possibility of recourse to the Administrative Rules Oversight Committee if a requested hearing was not granted by the agency. There was also discussion of using the Internet for notification. (Note: the Register is already being posted on the Internet.)

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Members will consider legislation to make the process more responsive.

There was a discussion of price gouging. Chairman Denbo indicated that Senator Kenley was unable to be present but that he was pursuing a draft with the Attorney General. The Chairman said that in discussion with the Attorney General and Senator Kenley, it was decided that any draft should be limited to fuel and should not cover other commodities.

Attorney General Carter told the members that any price gouging legislation should be based on unconscionable actions in price setting. Mr. Mike Pitts and Mr. Stan Pinegar agreed that it was important that any legislation be linked to declared emergencies. Chairperson Denbo wanted to limit declarations of emergencies to those declared by the Governor.

Fines need to be substantial in order to have a deterrent effect. The Attorney General believes fines should be applied to each transaction. It was suggested that the Attorney General be given some flexibility to levy fines up to a specified amount.

There were some questions for the Attorney General on the status of the telemarketing legislation passed in 2001. There was concern expressed that it would be difficult to go after out-of-state telemarketers. The Attorney General indicated that even though it would be more difficult, he intends to enforce the law no matter where the telemarketers are located.

The meeting was adjourned at 12:30 p.m.